

1 WRIGHT, FINLAY & ZAK, LLP
2 Darren T. Brenner, Esq.
3 Nevada Bar No. 8386
4 Jory C. Garabedian, Esq.
5 Nevada Bar No. 10352
6 7785 W. Sahara Ave., Ste. 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 jgarabedian@wrightlegal.net
10 *Attorney for Defendant, Bank of America, N.A.*

11
12 **UNITED STATES DISTRICT COURT**
13
14 **DISTRICT OF NEVADA**

15 FRANCIS WOOTERS,

16 Plaintiff

17 v.

18 EXPERIAN INFORMATION SOLUTIONS,
19 INC., TRANS UNION, LLC, BANK OF
20 AMERICA, N.A., MARLETTE FUNDING,
21 LLC, FIRST NATIONAL BANK OF
22 OMAHA, JPMORGAN CHASE BANK,
23 N.A., HSBC BANK USA, N.A., AND
24 SYNCHRONY FINANCIAL.

25 Defendants

Case No. 2:22-cv-01691-CDS-BNW

**STIPULATION RE DEFENDANT BANK
OF AMERICA, N.A.'S MOTION TO
DISMISS (ECF NO. 44)**

26 Defendant Bank of America N.A. ("BANA") and Plaintiff Francis Wooters, by and
27 through their undersigned counsel of record, hereby submit the following Stipulation (and below
28 proposed Order) regarding Defendant Bank of America, N.A.'s Motion to Dismiss (ECF No. 44):

On December 19, 2022, BANA filed its Motion to Dismiss. On December 23, 2022, the
Court entered a Minute Order in Chambers (ECF No. 47) staying this case until a decision is
reached on whether this case will be transferred to the judicial panel on multidistrict litigation.
The Minute Order, also included an Order to Show Cause as to why the Court should not deny
BANA's Motion to Dismiss without prejudice to refile after the stay is lifted. (ECF No. 47).

1 On December 29, 2022, Plaintiff filed his response in opposition to BANA's Motion to
2 Dismiss. (ECF No. 49). Plaintiff also filed a response to the Court's Order to Show Cause arguing
3 that BANA's Motion to Dismiss should be heard and considered despite the stay. (ECF No. 49).

4 On February 6, 2023, the judicial panel on multidistrict litigation entered its Order Denying
5 Transfer. (ECF No. 51). As of the date of this Stipulation, the Court has not entered a subsequent
6 order lifting the stay or a further determination on the Order to Show Cause.

7 In light of the foregoing, and to facilitate orderly resolution of BANA's Motion to Dismiss
8 given the Order Denying Transfer, BANA and Plaintiff hereby stipulate and agree that:

9 (1) The Order to Show Cause within ECF No. 47 should be deemed moot.

10 (2) The Motion to Dismiss (ECF No. 44) and Plaintiff's response in opposition (ECF No.
11 49) shall remain on file for the Court's consideration.

12 (3) BANA shall have the opportunity to file its Reply to the Motion to Dismiss by March
13 10, 2023.

14 IT IS SO STIPULATED AND AGREED.

15
16 Dated: March 2, 2023

Dated: March 2, 2023

17 WRIGHT, FINLAY, & ZAK, LLP

KIND LAW

18
19 /s/ Jory C. Garabedian

/s/ Michael Kind

20 Jory C. Garabedian, Esq.

Michael Kind, Esq.

21 Nevada Bar No. 10352

Nevada Bar No. 13903

22 jgarabedian@wrightlegal.net

mk@kindlaw.com

23 Attorney for Bank of America, N.A.

Attorney for Plaintiff

24 **IT IS SO ORDERED:**

25
26 
UNITED STATES DISTRICT JUDGE

27 DATED: March 6, 2023